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MINISTRY OF LAW (Legislative Department)

New Delhi, the 14th September, 1960/Bhadra 23, 1882 (Saka)

The following Act of Parliament received the assent of the President on the 13th September, 1960, and is hereby published for general information:—

THE PLANTATIONS LABOUR (AMENDMENT) ACT, 1960

No. 34 of 1960

[13th September, 1960]

An Act further to amend the Plantations Labour Act, 1951.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Plantations Labour (Amendment) Act, 1960.

Short title
and com-
mencement,

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

69 of 1951.

2. In section 1 of the Plantations Labour Act, 1951 (hereinafter referred to as the principal Act), for sub-section (4), the following sub-sections shall be substituted, namely:—

Amendment
of section 1.

“(4) It applies to the following plantations, that is to say,—

(a) to any land used or intended to be used for growing tea, coffee, rubber or cinchona which admeasures 10.117 hectares or more and in which thirty or more persons are employed or were employed on any day of the preceding twelve months;

(b) to any land used or intended to be used for growing any other plant, which admeasures 10·117 hectares or more and in which thirty or more persons are employed or were employed on any day of the preceding twelve months, if, after obtaining the approval of the Central Government, the State Government, by notification in the Official Gazette, so directs.

(5) The State Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any land used or intended to be used for growing any plant referred to in clause (a) or clause (b) of sub-section (4), notwithstanding that—

(a) it admeasures less than 10·117 hectares, or

(b) the number of persons employed therein is less than thirty:

Provided that no such declaration shall be made in respect of such land which admeasured less than 10·117 hectares or in which less than thirty persons were employed, immediately before the commencement of this Act.”.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(i) after clause (e), the following clause shall be inserted, namely:—

‘(ee) “family”, when used in relation to a worker, means—

(i) his or her spouse, and

(ii) the legitimate and adopted children of the worker dependent upon him or her, who have not completed their eighteenth year,

and includes, where the worker is a male, his parents dependent upon him;’

(ii) for clause (f), the following clause shall be substituted, namely:—

‘(f) “plantation” means any plantation to which this Act, whether wholly or in part, applies and includes offices, hospitals, dispensaries, schools, and any other premises used

63 of 1948. for any purpose connected with such plantation, but does not include any factory on the premises to which the provisions of the Factories Act, 1948, apply;';

(iii) for clause (h), the following clause shall be substituted, namely:—

7 of 1916.
102 of 1956. '(h) "qualified medical practitioner" means a person holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916, or specified in the Schedules to the Indian Medical Council Act, 1956, and includes any person having a certificate granted under any Provincial or State Medical Council Act;';

(iv) for clause (k), the following clause shall be substituted, namely:—

'(k) "worker" means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, but does not include—

(i) a medical officer employed in the plantation;

(ii) any person employed in the plantation (including any member of the medical staff) whose monthly wages exceed rupees three hundred;

(iii) any person employed in the plantation primarily in a managerial capacity, notwithstanding that his monthly wages do not exceed rupees three hundred; or

(iv) any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals;'.

4. In section 10 of the principal Act, in sub-section (1), after the word "workers", the words "and their families" shall be inserted. Amendment of section 10.

5. In section 16 of the principal Act, in clause (e) the words "the definition of what constitutes the family of a worker for the purposes of section 15," shall be omitted. Amendment of section 16.

6. In section 30 of the principal Act,—

(i) in sub-section (1), after the proviso, the following Ex-30.
planaton shall be inserted, namely:—

Amendment of section 30.

Explanation.—For the purposes of calculating leave under this sub-section,—

(a) any day on which no work or less than half a day's work is performed shall be counted, and

(b) any day on which half or more than half a day's work is performed shall be counted as one day.”;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) If the employment of a worker who is entitled to leave under this section is terminated by the employer before he has taken the entire leave to which he is entitled, the employer shall pay him the amount payable under section 31 in respect of the leave not taken, and such payment shall be made before the expiry of the second working day after such termination.”

**Amendment
of section
31.**

7. In section 31 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) For the leave allowed to a worker under section 30, he shall be paid,—

(a) if employed wholly on a time-rate basis, at a rate equal to the daily wage payable to him immediately before the commencement of such leave under any law or under the terms of any award, agreement or contract of service, and

(b) in other cases, including cases where he is, during the preceding twelve calendar months, paid partly on a time-rate basis and partly on a piece-rate basis, at the rate of the average daily wage calculated over the preceding twelve calendar months.

Explanation.—For the purposes of clause (b) of sub-section (1), the average daily wage shall be computed on the basis of his total full-time earnings during the preceding twelve calendar months, exclusive of any over-time earnings or bonus, if any, but inclusive of dearness allowance.

(1A) In addition to the wages for the leave period at the rates specified in sub-section (1), a worker shall also be paid the cash value of food and other concessions, if any, allowed to him by the employer in addition to his daily wages unless these concessions are continued during the leave period.”.

8. In section 42 of the principal Act, after the words "such exemption", the words and figures "other than an exemption from section 19" shall be inserted.

Amendment
of section
42.

R. C. S. SARKAR, Secy.

